

**IN THE UNITED STATE DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ROBERT D. NELSON, Personal )  
Representative of the Estate of DEREK )  
BOOGAARD, Deceased, )  
Plaintiff, ) ECF Document  
v. ) Civil Action No. 13-cv-4846  
NATIONAL HOCKEY LEAGUE, )  
NATIONAL HOCKEY LEAGUE BOARD )  
OF GOVERNORS, and COMMISSIONER )  
GARY B. BETTMAN, (collectively )  
“NHL”), )  
Defendants.

**MOTION FOR MODIFICATION OF DISCOVERY AND BRIEFING SCHEDULES  
AND NOTICE OF INTENT TO FILE MOTION TO REMAND**

Plaintiff, ROBERT D. NELSON, Personal Representative of the Estate of DEREK BOOGAARD, Deceased, by and through his attorneys, Corboy & Demetrio, P.C., as a courtesy to this Court, provides this Notice and respectfully requests that this Honorable Court Modify the applicable Discovery Schedule and Briefing Schedule on Defendants' Motion to Dismiss. In support, Plaintiff states:

1. On July 3, 2013, Defendants filed a Notice of Removal from the Circuit Court of Cook County to this Honorable Court based upon a claim of Federal Question Jurisdiction. Plaintiff intends to file a Motion to Remand this matter to the Circuit Court of Cook County.
2. On July 15, 2013, Defendants presented their Motion to Dismiss, pursuant to Fed. R. Civ. P 12(b)(6). Plaintiff's Counsel did not have notice of this Motion. At that time, this Honorable Court entered an Order setting a briefing schedule on the Motion to Dismiss and requested that Plaintiff's Counsel file his Appearance. (See Docket Entry of July 15, 2013, ECF Document #14.)
3. On July 15, 2013, Plaintiff's Counsel entered his Appearance.

4. On July 16, 2013, Counsel for both parties arranged for a Rule 26(f) conference. At that time, Plaintiff's Counsel informed Defense Counsel of his intention to file a Motion to Remand and, accordingly, requested that the setting of a discovery schedule be delayed while the Court considers the merits of his Motion to Remand.

5. Plaintiff's Counsel respectfully suggests that this Court stay discovery and briefing of the NHL's Motion to Dismiss, pending determination of Federal Question Jurisdiction.

6. Defense Counsel does not oppose a stay regarding the Rule 26 Discovery Schedule. Defense Counsel does not agree to vacating or revising the Briefing Schedule on the NHL's Motion to Dismiss.

WHEREFORE, Plaintiff respectfully requests the following relief from this Honorable Court:

- a. That the briefing schedule on Defendant's Motion to Dismiss of July 15, 2013 be vacated; and
- b. That the time for disclosing witnesses pursuant to Rule 26(a) and submission of a proposed discovery plan pursuant to Rule 26(f) be stayed, pending resolution of Plaintiff's Motion to Remand.

Respectfully submitted by,

/s/ William T. Gibbs

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